

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Isaac Forman	Team: Squad #15	CCRB Case #: 201801034	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 07/12/2017 5:35 PM	Location of Incident: 113th Avenue between 221st Street and 223rd Street	Precinct: 105	18 Mo. SOL 1/12/2019	EO SOL 1/12/2019	
Date/Time CV Reported Tue, 02/06/2018 3:52 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Tue, 02/06/2018 3:52 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Shawn Gallagher	01438	917655	105 PCT
2. POM Brian Sheil	08694	940734	105 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Shawn Gallagher	Abuse: Police Officer Shawn Gallagher threatened to arrest § 87(2)(b)	
B.POM Shawn Gallagher	Off. Language: Police Officer Shawn Gallagher made remarks to § 87(2)(b) based upon race.	
C.POM Shawn Gallagher	Abuse: Police Officer Shawn Gallagher threatened § 87(2)(b) with the use of force.	
D.POM Shawn Gallagher	Discourtesy: Police Officer Shawn Gallagher spoke discourteously to § 87(2)(b)	
§ 87(4-b), § 87(2)(g)		

Case Summary

On February 6, 2018, § 87(2)(b) filed this complaint in-person at the CCRB.

On July 12, 2017, at approximately 5:35pm, PO Shawn Gallagher and PO Ryan Sheil of the 105th Precinct stopped § 87(2)(b) in his vehicle in the vicinity of 113th Avenue between 221st Street and 223rd Street in Queens. PO Gallagher approached the vehicle, allegedly threatened to arrest § 87(2)(b) and allegedly made remarks based upon § 87(2)(b)'s race (**Allegations A and B: Abuse of Authority and Offensive Language-** § 87(2)(g)). PO Gallagher then allegedly threatened § 87(2)(b) with the use of force and reiterated his remarks regarding § 87(2)(b)'s race (**Allegation C: Abuse of Authority-** § 87(2)(g)). After issuing § 87(2)(b) a summons, PO Gallagher allegedly made discourteous statements and again threatened to arrest § 87(2)(b) (**Allegation D: Discourtesy-** § 87(2)(g)). § 87(2)(b) received a summons for using an § 87(2)(b) vehicle. § 87(2)(b) has subsequently gone to court in regards to this summons and was found guilty.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Shawn Gallagher threatened to arrest

§ 87(2)(b)

Allegation (B) Offensive Language: Police Officer Shawn Gallagher made remarks to § 87(2)(b) based upon race.

Allegation (C) Abuse of Authority: Police Officer Shawn Gallagher threatened § 87(2)(b) with the use of force.

§ 87(2)(b) alleged that PO Gallagher stated to him, “You better find your phone or I’ll drag you out of the car and take your black ass to jail.”

§ 87(2)(b) testified that he asked PO Gallagher why he had been pulled over. PO Gallagher stated to him that it was for a cellphone and told § 87(2)(b) to show him the cellphone. § 87(2)(b) began looking for his cellphone but was unable to find it. While he was looking for it, PO Gallagher stated to him, “You better find your phone or I’ll drag you out of the car and take your black ass to jail.” § 87(2)(b) testified that PO Gallagher made this statement approximately two to three times. PO Gallagher then asked for his driver’s license. § 87(2)(b) began looking for it but momentarily couldn’t find it. While he was looking for it, PO Gallagher stated that if he did not find it, he would “beat your black ass up.” § 87(2)(b) testified that PO Gallagher made this statement approximately two to three times (BR 01).

PO Gallagher testified that when he approached § 87(2)(b)'s vehicle, he explained to him the reason for the stop being that he was on his cellphone. PO Gallagher couldn’t recall if § 87(2)(b) protested that assertion or what his reaction was at all. He could not recall if he asked to see § 87(2)(b)'s cellphone and couldn’t recall if § 87(2)(b) looked around for his cellphone in his vehicle. PO Gallagher testified that he could not recall if he made the alleged statement to § 87(2)(b). He also testified that he could not recall if he threatened to arrest § 87(2)(b) or referred to him by his race. PO Gallagher testified that, upon approaching § 87(2)(b)'s vehicle, he asked for his license, registration, and proof of insurance. PO Gallagher could not recall if § 87(2)(b) provided this information but confirmed that to issue the summons, § 87(2)(b) would have had to provide his license. PO Gallagher couldn’t recall if § 87(2)(b) had any trouble finding or producing his

license. PO Gallagher testified that he could not recall if he stated to § 87(2)(b) that he would, “beat your black ass up.” He could not recall if he threatened § 87(2)(b) with the use of force during this incident (BR 02).

PO Sheil had no recollection of this incident and thus could not recall if he heard PO Gallagher make any of the alleged statements (BR 03).

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Allegation (D) Discourtesy: Police Officer Shawn Gallagher spoke discourteously to § 87(2)(b)

§ 87(2)(b) alleged that PO Gallagher stated, “Shut the fuck up. Get the fuck out of here before I arrest you.”

§ 87(2)(b) alleged that PO Gallagher returned to the police vehicle, then returned to § 87(2)(b)'s vehicle with a summons for § 87(2)(b). As PO Gallagher handed him the summons, PO Gallagher stated, “Shut the fuck up. Get the fuck out of here before I arrest you.” (BR 01)

PO Gallagher testified that he returned to his police vehicle to write § 87(2)(b) a summons for § 87(2)(b). When he returned to hand § 87(2)(b) the summons, he could not recall whether or not they had any interaction. He testified that he could not recall if he made the alleged statement. He also could not recall if he used any profanity while interacting with § 87(2)(b) (BR 02).

PO Sheil had no recollection of this incident and thus could not recall if he heard PO Gallagher make any of the alleged statements (BR 03).

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

§ 87(4-b), § 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

§ 87(4-b), § 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to four CCRB complaints and has been the victim in 11 allegations (BR 05).
 - § 87(2)(b)
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- PO Gallagher has been a member-of-service for 21 years and has been the subject in 14 CCRB cases and 37 allegations, of which one was substantiated:
 - 200702766 involved a substantiated allegation of retaliatory summons against PO Gallagher. The board recommended charges and the NYPD imposed instructions.
 - § 87(2)(g)
- PO Sheil has been a member-of-service for 12 years and has been the subject in one CCRB case and one allegation, in which he was cited for § 87(2)(b)
 - § 87(4-b) § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- A request was filed with the New York City Office of the Comptroller for Notices of Claim filed in regards to this incident on March 2, 2018. The results will be added to the case file upon receipt.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: 15

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date